

**SUPREME COURT MINUTES
WEDNESDAY, SEPTEMBER 3, 2003
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on September 3, 2003, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegar, Chin, Brown, and Moreno.

Officers present: Frederick K. Ohlrich, Clerk; and Gail Gray, Calendar Coordinator.

S103487 Department of Health Services, Petitioner

v.

Superior Court of Sacramento County, Respondent;
Theresa V. McGinnis, Real Party in Interest.

Cause called. Tracy Hendrickson, Deputy Attorney General, argued for Petitioner.

Marvin E. Krakow argued for Real Party in Interest.

Ms. Hendrickson replied.

Cause submitted.

S106660 Steve Schifando, Plaintiff and Appellant

v.

City of Los Angeles, Defendant and Respondent

Cause called. Robert M. Ball opened argument for Plaintiff and Appellant.

David J. Duchrow, appearing for Amicus Curiae California Employment Lawyers Association, continued argument for Plaintiff/Appellant.

Judith D. Thompson opened argument for Defendant and Respondent.

Elwood Lui, appearing for Amicus Curiae County of Los Angeles, continued argument for Defendant and Respondent.

Mr. Ball replied.

Cause submitted.

S111341 The People, Plaintiff and Respondent

v.

Vikram Gill Billa, Defendant

Cause called. Scott Concklin argued for Defendant and Appellant.

David Andrew Eldridge, Deputy Attorney General, argued for Plaintiff and Respondent.

Mr. Concklin replied.

Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.

Members of the Court and Officers present as first shown.

S108187 The People, Plaintiff and Respondent

v.

Timothy Brian Stowell, Defendant and Appellant

Cause called. Bradley A. Bristow argued for Defendant and Appellant.

David Andrew Eldridge, Deputy Attorney General, argued for Plaintiff and Respondent.

Mr. Bristow replied.

Cause submitted.

S107791 The People, Plaintiff and Respondent

v.

Willie Earl Butler, Defendant and Appellant

Cause called. Bradley A. Bristow argued for Defendant and Appellant.

David Andrew Eldridge, Deputy Attorney General, argued for Plaintiff and Respondent.

Mr. Bristow replied.

Cause submitted.

S106681 The People, Plaintiff and Respondent

 v.

Daniel Sapien Lopez, Defendant and Appellant

 Cause called. Joseph Shipp argued for Defendant and Appellant.

 Brian G. Smiley, Deputy Attorney General, argued for Plaintiff and Respondent.

 Mr. Shipp replied.

 Cause submitted.

Court adjourned.

S118630

TAKASH v. S.C. (SHELLEY)

Petition for writ of mandate/prohibition & stay denied

The petition for writ of mandate is denied. Contrary to petitioners' contention, the history of article II, section 8, subdivision (c), of the California Constitution establishes that this provision was not intended to vest the Secretary of State with authority to submit a qualified initiative measure to the voters *either* at the next general election held at least 131 days after the initiative qualifies *or* at any special statewide election held prior to that general election, *at the Secretary of State's discretion*, but rather was intended to require the Secretary of State to submit the initiative measure at an earlier timely special statewide election. (See Cal. Const. Revision Com., Proposed Revision 1966), p. 44 [comment on proposed art. IV, § 22, subd. (c), which was adopted by voters at Nov. 8, 1966, Gen Elec. and later renumbered as art. II, § 8, subd. (c): "Under the provisions of existing Section 1, paragraph 3, all initiative measures must be submitted at any timely special election called by the Governor prior to the general election. Under the last portion of existing Section 1, paragraph 12, however, it appears that at a special election called by the Legislature no initiative measure need be submitted unless measures proposed by the Legislature are also submitted. [¶] Seeing no need for this distinction, the Commission amended the existing provisions *to require that all qualified initiative measures be submitted at any timely special election*, whether called by the Governor or the Legislature, *prior to the general election*." (Italics added.)].).

S117570B161916 Second Appellate District,
Division Three

NASH (CHRISTOPHER) ON H.C.

Time extended to grant or deny review

to October 14, 2003

S012943

PEOPLE v. RUNDLE (DAVID ALLEN)

Extension of time granted

to October 31, 2003 to file respondent's brief. Extension is granted based upon Deputy Attorney General Michael Farrell's representation that he anticipates filing that brief by 10/31/2003. After that date, no further extension will be granted.

S040527

PEOPLE v. DEPRIEST (TIMOTHY LEE)

Extension of time granted

to November 3, 2003 to file appellant's reply brief. The court anticipates that after that date, no further extension will be granted. Counsel is ordered to inform his assisting entity of this schedule, and counsel and his assisting entity are ordered to take all steps necessary to meet it

S041008

PEOPLE v. HOYOS (JAIME A.)

Extension of time granted

to September 29, 2003 to file appellant's opening brief. After that date, no further extension will be granted. Extension is granted based upon counsel Lisa Short's representation that she anticipates filing that brief by 9/27/2003.

S045982

PEOPLE v. AVILA (JOHNNY JR.)

Extension of time granted

to September 30, 2003 to file respondent's brief. Extension is granted based upon Deputy Attorney General Louis Vasquez's representation that he anticipates filing that brief by 9/30/2003. After that date, no further extension will be granted.

S049973

PEOPLE v. KELLY (DOUGLAS OLIVER)

Extension of time granted

to November 4, 2003 to file appellant's opening brief.

S065877**PEOPLE v. LOPEZ, SERNA & TRUJEQUE**
Extension of time granted

to October 24, 2003 to appellant LOEPZ to request correction of the record. The court anticipates that after that date only six further extensions totaling 360 additional days will be granted. Counsel is ordered to inform the Santa Clara County Superior Court and his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and take all steps necessary to meet it. Counsel for appellant is ordered to serve a copy of the record correction motion on this court upon its filing in the superior court.

S117838**BROWN (PAUL MADISON) ON H.C.**
Extension of time granted

to October 2, 2003 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 45 additional days is contemplated. Extension is granted based upon Deputy Attorney General Douglas Wilson's representation that he anticipates filing that document by 11/15/2003.

B163236 Second Appellate District**PEOPLE v. JUAN ESPINOZA (BANKERS INS. CO.)**
Transfer Order

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Seven to Division Eight.